### HULDS FORMER JUDGE LIABLE

Will F. Chamlee Files Answer and Cross Bill in Case Involving Payment of Funds.

MERE COLOR OF LEGALITY

Charges That Banks and Offi. cial Must Account for \$54,000 of County Funds.

of County Funds.

The cross bill, an answer of Hamilton county to the bill of John H. Hogan et al, filed some time ago in which the county was made joint defendants with the Hamilton National bank, Citizens National bank, Hamilton Trust and Savings bank and Judge Will Cummings, a citizen and taxpayer, was filed Wednesday afternoon in the chancery court. County Attorney Will F. Chamlee, who prepared the answer, holds that Judge Will Cummings and the defendant banks are liable for the \$56,000 paid the banks as a discount on the sale of \$600,000 worth of bond issues. The original bill filed charged that the county sold to defendant banks bonds aggregating \$600,000, and at the same time the county judge issued a county warrant for \$54,000 payable to defendant banks. This \$56,000 was claimed by the county judge in his answer to the original bill to represent discount on a loan by the banks to the county of \$600,000 for eighteen months.

In the answer and cross bill, County Attorney Chamlee alleges that no loan was ever really made and that the plan was simply an effort to give the trans-action the color of legality. The an-swer, which is in the nature of a cross bill, is as follows:

John H. Hogan, et al. Vs. Hamilton County, et al.

In the Chancery Court of Chattanooga.

The answer and cross bill of Hamilton county to the bill of complaint filed against it and others in the above, style cause and for answer says:

1. It is true that complainants are resident citizens and tax payers of Hamilton, county, Tennessee.

2. The defendants are as alleged in complainant's bill.

Hamilton, county, Tennessee.

2 The defendants are as alleged in complainant's bill.

3. It is true that Hamilton county was authorized to issue the county's bonds in the sum not to exceed \$100,000.00 by acts 1911, chapter 402, the proceeds of which were to be used in the construction of a jail. It is true that by acts 1912, chapter 29, Hamilton county was authorized to issue the county's bonds in the sum not exceeding \$550,000.00, the proceeds of which were to be used for the purpose of paying off the floating indebtedness of the county. And it is true that by acts 1913, chapter 192, Hamilton county was authorized to issue and sell the county's bonds in a sum not to exceed \$25,000.00, the proceeds of which were to be used in building a road from Frasier avenue to Mississippi avenue in North Chattanoga.

1t is true that all of these acts provided that the bonds about one be sold.

Frazier avenue to Missiasippi avenue in North Chattanooga.

It is true that all of these acts provided that the bonds should not be sold for less than par, and provide that the interest should be represented by interest coupons attached to the bonds, and that the interest should be paid at stated periods.

4. It is true that the bonds authorized to be issued by Hamilton county as alleged in paragraph 3 of complainant's bill were issued, and that the county judge advertised for bids for the issue of \$25,000.00 known as the floating indebtedness bonds, and for \$25,000.00 for the jail bond issue which remained unsold, and no bids were received for the sale of said bonds at par.

It is also true that when the county judge reported to the quarterly court of Hamilton county that he had advertised for bids on said bond issues and had received no bids for the bonds at par, he at the same time submitteed a proposition from the banks named as defendants in this cause, proposing to take said bonds at their face or par value. each of the defendant banks named as defendants in this cause, proposing to take said bonds at their face or par value. each of the defendant banks named as defendants and accurately county ocurt unanimously adopted a resolution accepting these bids and ratifying the saie of the bonds to the defendant banks at their face value and accured interest.

And now assuming the character of a complainant, in the name of the state of Tennessee for the use and benefit of Hamilton county, by way of cross bill against the Hamilton National bank, the Hamilton Frust Savings bank, and Will Cummings.

## Wanted Old Gold

We will give Merchandise, Thrift Stamps or cash.



treasury in a lump sum, but was paid at the rate of \$50,000.00 per month for ALL READY FOR DAY a period of twelve months.

at the rate of \$50,000.00 per month for a period of twelve months.

It shows that upon the delivery of the bonds to the defendant banks, that the defendant Cummings, as the county judge of the county, executed and delivered to the defendant banks warrants of the county in the sum of \$54,000.00. Said \$54,009.00 was carried on the books as representing the discount or interest on the loan of \$500,000.00 for a period of eighteen months. As above stated, the loan of \$500,000.00 was never made, and the said sum of \$54,000.00 did not represent the interest for eighteen months on said loan. It shows that the said \$54,000.00 was carried on the books of the county treasurer as floating indebtedness.

It charges that there was a full understanding between the county judge and the defendant banks before the banks would agree to purchase the said bond issue, that should the banks purchase said bonds at par with accrued interest, that the banks were to receive the sum of \$54,000.00 as a discount or bonus for handling the bonds. It charges that the defendant Will Cummings, as county judge, had no authority to make such an arrangement or understanding with defendant banks. The supposed loan of \$600,000,00 was nothing more than a plan to give the transaction the color of legality, had the provisions of the resolution been followed, but since there was no effort to comply with the terms of said resolution, it cannot be relied on to validate the transaction.

HAMILTON COUNTY.

By Will F. Chamlee.

ton County.

#### WANTON DESTRUCTION DESCRIBED IN LETTER

Manner in Which French Bear Affliction Arouses Highest Admiration.

In a letter dated Aug. 18 from a rest billet, "after over a month in the thick of it." First Lieut. George F. Milton, Jr., of the Sixty-seventh field artillery (Rainbow division), describes the scenes of devastation in the Alsne-Marne region, which has just been fought over, and indicates the feeling aroused in the breasts of American soldiers in witnessing the wanton de-

fought over, and indicates the feeling aroused in the breasts of American soldiers in witnessing the wanton destruction wrought by the enemy before they were driven out of this formerly lovely region of France.

The young Chattanooga officer writes:

"What is done by shell fire is the fortune of war and not the blame of either army, but what is done from sheer wantonness by the invader has no excuse. I have seen during the past three weeks the lociting of homes, the burning down of houses, the ripping and tearing of rare furniture, and countless acts of vandalism. Chateau Thierry is a living monument to the manner in which the German makes war. The town is not so badly damaged by shell fire, but every article in it has been rendered worthless by the Hun. He has ripped the back of chairs with his bayonet; stolen ornaments of the churches; removed pictures from their frames, those that he did not remove are gashed with swords, or he has thrown bottles of ink against priceless canvase: The city hall wall is freezoed with blac splotches, where ink bottles have become and included the same of the hun. And all the way back, for miles and miles, is lined with pleces of women's clothes and high top hats, dropped by him on his hasty retreat.

miles and miles, is lined with pieces of women's clothes and high top hats, dropped by him on his hasty retreat. Fritz seemed to have a particular predilection for women's finery and for high silk hats; there was but little left of the wardrobes of Chateau Thierry. Captured German postoffice stuff showed hundreds of sacks of looted finery ready to be sent off; no one knows how much had gone already. And the country in the rear is but a repetition of this same scene with the only difference that the destruction was done more thoroughly, as the Hun had more time to do it."

Admires the French.

Admires the French. He says: "There is nothing like the French. As soon 'as a town is recovered from the German, you can see the roads lined with women and old men, walking back to their ruined homes, piles of debris and ashes, there to re-establish their lives again and try to carry on as before. They are wonderfully brave, these civilians, and our hearts are filled with admiration of their indomitable spirit, as they come back again and again, to start life anew. Most of the time they have nothing but the land left to them, and that is torn by shells and poisoned by gas; there are cases where the wells and springs have been polsoned; their cattle will die, but they come back. I can well believe that in ten years northern France will be a happy, smiling country on the surface, though heneath there are scars which it will take more time to erase; and you can now see them in the fields harvesting whatever wheat the Germans did not harvest, and preparing their land for further crops: It is in the realm of possibility that again they may have to fee from the enemy, but we can be certain that they will come back again. That is France—a wonderful army, a wonderful people. Her troops assault today as they did four years are.

LIEUT. FRAZIER SENDS HOME GERMAN HELMET

Souvenir From Battlefield of Marne Attracts Much At tention and Interest.

Lieut. Thomas A. Frazier, son of Senator and Mrs. J. B. Frazier, now doing service in France, has sent home to his mother a German helmet which he picked up on the Marne front after the American boys had helped the French route the Huns.

The helmet is of a superior quality and must have belonged to an officer. The souvenir was put on exhibition The souvenir was put on exhibition in Rhodes & Mahoney's window on Market street Wednesday and at-

## OF REGISTRATION

When Bells Ring Tomorrow Morning Let Everybody Eligible Take Warning.

gible Take Warning.

At 7 o'clock tomorrow morning, when the steam whistles break forth and the church bells begin to tell, every bay between the ages of 18 and 21 and men between the ages of 31 and 45, must take notice that this iss the first call to the colors. In other words, Thursday is registration day and all eligibles must go to the ward voting places and register for service.

Everything is now in readiness and Foster V. Brown, supervisor, announced Wednesday that he was satisfied with the arrangements that have been made and felt that the work would be executed in the splendid manner in which Chattanooga has responded to all war work.

The registrars will meet at the various voting places at 7 o'clock and be ready to register the men. A sufficient number has been appointed to complete the work in one day, even though the estimates of those to be registered run up to over 13,000 for the county.

While Foster V. Brown, chairman of

with the terms of said resolution, it cannot be relied on to validate the transaction.

2.

It shows that the said \$54,000.00 was paid by the county judge from the proceeds arising from the sale of a 554,000.00 bond issue authorized by acts 1915, chapter 637, and that the county judge's warrant for the entire amount was drawn in favor of the defendant Clizean National bank. But it is charged on information and belief that each of the defendant banks received its respective amount of discount from the above sum.

It therefore avers that the payment of discount from the defendant will Cummins to the defendant banks was ultrawires, unauthorized, illegal and vold, and that it is entitled to recover same from defendant together with interest on same from the 4th day of August, 1913.

Premises considered, it prays:

1. That this answer be filed and treated as a cross-bill, and that subpoena issue to cumpel the defendants. Will Cummings, Hamilton National bank, Hamilton Trust to complete the work in one day, even though the estimates of those to be registered frum up to over 13,000 for the county.

While Foster V. Brown, chairman of board No. 1, is supervisor of the en-tire city and county, the local boards, of which Gen. M. N. Whitaker, Dr. Wm. Bogart and J. B. Sizer are chairman of who have jurisdiction over the wards and districts composing their respective territories.

A large number of eligibles have been registered during the past few days by all of the boards. These involves who will be out of the city Thursday. The following suggestion is offered by a patriotic citizen: "On the great bulk of the registration cards it will be necessary to write the words 'Chattanoga, Tenn.,' three times on the face of the card. If the various registray of the cards in advance, or even rubber stamp them as the ymake them out, this will not home their ordinal particular and particu

#### **WOULD PROSECUTE ALL** EMBEZZLING OFFICIALS

Again the matter of the deficiency in the books of Charles L. Hayes, former circuit court clerk, was brought up in the city commission Tuesday by Commissioner T. C. Betterton and that official introduced a motion instructing that Auditor C. S. Peterson be instructed to audit the books in question and also audit the books of the city for the fiscal year ending Sept. 30.

Mr. Betterton also provided in the motion that an effort be made to lo-

#### Proof of the Pudding

Chattanooga Soldiers Send Home Hun Helmet and Epaulette.

An epaulet taken from a German major's uniform sent home by man major's uniform sent home by Lieut. Foster V. Brown, a young Chattanooga boy, who was wounded in the battle of Chateau-Thierry, together with a German helmet sent home by Lieut. Tom A. Frazier, son of Senator J. B. Frazier, are displayed in Rhodes-Mahoney's window on Market street. These two war trophies are attracting large crowds around the window.

cate the missing cash book No. 5 of the official, and that if it was found that the book had been destroyed the commission should take steps to prosecute the official and secure from his bond holders the damages caused by the loss of the book

Mr. Betterton read a report from City Attorney Carden in which he reported that any official who was found to have embezzled funds but who made restitution could not be prosecuted.

Mr. Betterton had the commission go on record as being in favor of the repeal of this statute and the commission should ask the Hamilton county delegation to vote for the passage of a statute providing for the prosecua statute providing for the prosecu-

#### **SELECTMEN TO GO TO** CLEMSON COLLEGE

City Board No. 1 Has Selected Six Men Under This

Following the receipt by local boards on Tuesday of an induction call for 206 Tennessee men qualified for general military service to go to Clemson Agricultural college, city board No. 1 has selected the following as its quota:

J. C. Hatfield, J. Frank Brooks, Ben Ziegler Cooley, Clyde Elmore Conner, it Clarence Edward Sageser, Herman Frankurs.

#### FAC-SIMILE OF REGISTRATION CARD The face and reverse side of the registration cards which are to be filled by registrars tomorrow for registrants are herewith reproduced so they

may be studied by all registrants

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(The stamp of the Local Board having

istrant has his perm be placed in this box.)

#### **GIVES HIS LIFE FOR** HIS COUNTRY'S CAUSE

Lieut. Harry H. Kroeger, Graduate of Fort Oglethorpe School Falls in Action.

Washington, Sept. 9,-"Deeply regret to inform you that Lieut. Harry Augustus Kroeger, infantry, is officially reported as killed in action on Aug. 7.
"HARRIS.

"Acting Adjutant-General." This is the brief but sad message

received Tuesday by Mrs. Kroeger, of Shepherd. While Lieut. Kroeger was not a res-ident of Chattanoga, he was a native of Coltewah. James county, where he

MADE SUPREME SACRIFICE.



Lieut, Harry A. Kroeger Officially Re-ported Killed in Action in France.

spent his boyhood days, and was well known in Chattanooga, where his mother resides and where he has a large number of relatives.

Charence Edward Sageset, from the Fanburg.

These men are required to report to the board at 10 o'clock on next Tuesday morning. They will be entrained for Clemson at 7:45 on the following afternoon, the 18th.

The quota for county board No. 1 is seven: for county board No. 1 is seven: for county board No. 2, three; for city board No. 2, three.

GARFIELD FIGURES DEFICIT

MILLION BARRELS GASOLINE
Washington. Sept. 11.—Fuel Administrator Gerfield informed the senate today in response to the Lodge resolution of in response to the Lodge resolution at the company. When war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war was declared he enlisted in the Fifth Georgia infantry when war

He was sent to France last May, going over on the President Lincoln, which was torpedged on her return

Lieut. Kroeger was a young man of splendid ability and of pleasant and genial nature. He was always optimistic in speaking of the war and seemed more than willing to do his bit in the service of his country.

The first word of unrest received from the young man was an undated note to his mother postmarked Aug. 3, just four days before he is reported to have been killed, in which he said that he was still existing, but didn't know how long.

The young officers' mother is heart-broken over the sad news, but she is proud that her boy has died the death of a hero of freedom and in this thought she and his many friends will find a grain of comfort in their great

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7th and Chestnut Streets

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WANTED — Everybody to help whip the Kaiser by taking GASTRONE for Indigestion, Constitution and Headache. Eat what you like and keep strong. A trial will convince you. If not return bottle and get back your money. Ask your druggist for it. Guaranteed by the

GASTRONE MEDICINE COMPANY, Chattanooga, Tenn.

PIANOS L. L. ALNUTT

111 East Seventh Street

-- M-O-T-O-R-S--BIG STOCK ON HAND LET YOUR WANTS BE KNOWN Scott Bros. Electric Co.

Phone Main 3854

JACK O'DONOHUE CO = UNDERTAKERS =

115 W. 7th St.

301 E. Sixth St., Opp. Fountain Square -:- Phone Main 1516

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THE WESTERN UNION TELEGRAPH COMPANY

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wants wide-awake boys and girls for messengers between 16 and 20 years old. The wages are good and paid weekly.

# Clemons Broz

# A "Different" Bed Room

- Bedrooms should be comfortable in appearance as well as be furnished with a comfortable bed. Your last impression before falling asleep should be one of pleasing surroundings.
- ¶ Our stock of bedroom furniture both suites and single pieces — is "different"; different because of its beauty and harmony, and different because it is so moderately priced.
- ¶ Don't select just furniture; select something you will be proud of in the years to come.
- ¶ Select it at CLEMONS BROS. and be sure of Quality and Satisfaction.

